IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 10494 of 1998(Y)

PETITIONER:

M/S. YAMUNA CONSTRUCTIONS (P) LTD.,
HAVING ITS REGISTERED OFFICE AT
KAWDIAR, TRIVANDRUM, REP. BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.R.S.KALKURA
SRI.P.C.HARIDAS
SRI.P.V.VENUGOPAL

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY ITS**
CHIEF SECRETARY, SECRETARIAT,
TRIVANDRUM.

2. **SECRETARY TO GOVT.,**
INDUSTRIES DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

3. **GENERAL MANAGER,**
DIST. INDUSTRIES CENTRE,
TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. MANOJ KUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 18003/1998 IN OP NO. 10494/1998 Y.

DISMISSED

20/06/2007. SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROCEEDINGS NO. H. 10587/81 DT. 12/3/87 OF THE R3.

EXT.P2. COPY OF THE GO RT NO. 73/87/ID DT.21/1/87.

EXT.P3. COPY OF THE GO MS NO. 401/90/RD DT. 1/6/90.

EXT.P4. COPY OF THE PROCEEDINGS NO. H. 10587/81 DT. 2/07/93 OF THE R3.

EXT.P5. COPY OF THE LETTER DT. 24/12/91 OF THE R3.

EXT.P6. COPY OF THE LETTER DT. 12/07/93 BY THE PETITIONER TO THE R3.

EXT.P7. COPY OF THE LETTER DT. 29/10/93 BY THE PETITIONER TO THE R3.

EXT.P8. COPY OF THE CERTIFICATE DT. 31/1/94 BY THE R3.

EXT.P9. COPY OF THE LETTER DT. 3/08/94 SENT BY THE PETITIONER TO THE R3.

EXT.P10. COPY OF THE PROCEEDINGS NO. H/10587/81 DT. 26/11/96 OF THE R3.

EXT.P11. COPY OF THE LETTER NO. H/10587/81 DT. 21/5/97 OF THE R3 TO THE PETITIONER.

True copy

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KURIAN JOSEPH J.

O.P. NO.10494 OF 1998

Dated 20th June, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P10 communication issued by the General Manager, District Industries Centre, Thiruvananthapuram. The crucial dispute is whether the petitioner surrendered the land or the Department resumed the land. Unless that dispute is resolved with reference to the records, the grievance of the petitioner cannot be redressed. The stand of the General Manager, District Industries Centre is that it is resumption, but inviting reference to Exts.P5 and P7, it is submitted that the petitioner had in fact surrendered the land. In the above circumstances, it is only appropriate that the dispute as above is looked into by a higher authority of the General Manager. In the event of the petitioner approaching the said authority within a period of two months from today, the matter will be duly considered and appropriate orders in accordance with law, with notice to the petitioner will be passed, within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.10494 OF 1998 (Y)

J U D G M E N T

Dated 20th June, 2007.